

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**RUI MAE WANG,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. CR-22-240-JD**

**DEFENDANT'S MOTION TO EXTEND DATE FOR SELF SURRENDER**

NOW COMES, defendant Rui Mae Wang, through counsel of record Cody E. Gilbert and motions this Court for an order granting her an extension of time to self-surrender.

**BACKGROUND**

Ms. Wang was sentenced on May 8, 2024, and was ordered to self-surrender on June 6, 2024.

**LEGAL STANDARDS AND ANALYSIS**

“The provisions of 18 U.S.C. § 3143 govern release pending sentencing or appeal.” FED. R. CRIM P. 46 (c). 18 U.S.C. § 3143(b)(1) dictates that the Court “shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal... shall be detained unless-(A) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under 18 USC § 3142(b) or (c) .” 18 U.S.C. § 3143(b)(1)(A). Ms. Wang works full-time in the restaurant

business and is also the sole guardian of her nephew. The physical and emotional well-being of Ms. Wang's minor nephew is the sole reason for requesting an extension to self-surrender. Ms. Wang's nephew was abandoned by his mother and father and their whereabouts are currently unknown and he was cared for by Ms. Wang. Ms. Wang has been married for two years. Her husband travels more than he is home and is not biologically related to the nephew. Ms. Wang's nephew is fifteen (15) and has repeatedly threatened to take his own life and transportation is limited, as such Counsel is concerned with the mental, emotional, and physical well-being of this minor child should the Court not extend Ms. Wang's self-surrender date.

Ms. Wang requests the Court extend the date in which to self-surrender to November 8, 2024, as Ms. Wang's nephew's sixteenth (16) birthday is on November 8. This functions to allow enough time for Ms. Wang to locate and arrange for her nephew's grandparents travel from China and provide time for her nephew to obtain a driver's license, which will likely alleviate some of the mental health and transportation concerns for her nephew. Mr. Wilson, Counsel for the Government objects to this motion.

### **CONCLUSION**

Wherefore, based on the premises stated above, Counsel for Ms. Wang requests this Court extend the date for Ms. Wang to self-surrender from June 6, 2024 to November 8, 2024 or alternatively, August 30, 2024.

Respectfully submitted,

s/ Cody E. Gilbert

CODY E. GILBERT OBA # 30563

GILBERT LAW, PLLC

1415 NW 43<sup>rd</sup> Street

Oklahoma City, Oklahoma 73118

Telephone: 405-601-6700

Telefacsimile: 405-543-1995

Electronic Mail: gilbertlawok@gmail.com

Counsel for Defendant Wang

#### CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2024, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of Court will transmit a Notice of Electronic filing to Wilson McGarry, Assistant United States Attorney.

s/ Cody E. Gilbert

CODY E. GILBERT